

District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
VOLODYMYR KVASHUK,  
  
Defendant.

CASE NO. 2:19-cr-00143-JLR-1  
[PROPOSED] ORDER GRANTING  
UNITED STATES' MOTION FOR  
ORDER DIRECTING IRS TO  
TURN OVER SEIZED FUNDS TO  
CLERK OF COURT FOR  
APPLICATION TO JUDGMENT  
DEBT

Noted for Consideration on:  
June 11, 2021

This matter came before the Court on the United States' Motion for an order directing the Internal Revenue Service to turn over seized funds to the Clerk of Court, to be applied to Defendant Volodymyr Kvashuk's judgment debt. Dkt. no. 191. The United States accompanied its Motion with a Certificate of Service verifying that it served the Motion on Mr. Kvashuk, his counsel of record, and his former co-resident, Diana Leonhard. *Id.*

[PROPOSED] ORDER GRANTING UNITED STATES'  
MOTION FOR ORDER DIRECTING IRS TO TURN  
OVER SEIZED FUNDS TO CLERK OF COURT FOR  
APPLICATION TO JUDGMENT DEBT  
CASE NO. 2:19-cr-00143-JLR-001 - 1

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1 The Court has considered the United States' Motion and any Responses and  
2 Reply thereto. For the reasons stated in the Motion, the Court finds that the IRS  
3 holds \$13,825 in U.S. currency belonging to Mr. Kvashuk that it seized while  
4 executing a search warrant at his residence, 6409 Ripley Lane SE, Renton,  
5 Washington 98056, in July 2019. The Court further finds that Mr. Kvashuk  
6 continues to owe significantly more than \$13,825 on his \$8,346,386.31 judgment  
7 debt in this case.  
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10 The judgment debt is a lien on all of Mr. Kvashuk's property and rights to  
11 property. 18 U.S.C. § 3613(c). The debt also vests the United States with the  
12 common law right to offset the seized cash against the outstanding amount of the  
13 judgment, rather than return the funds to Mr. Kvashuk. *United States v. Munsey*  
14 *Trust Co.*, 332 U.S. 234, 239 (1947) ("The government has the same right which  
15 belongs to every creditor, to apply the unappropriated moneys of his debtor, in his  
16 hands, in extinguishment of the debts due to him.") (internal quotation marks and  
17 citation omitted); *Dunn & Black, P.S. v. United States*, 492 F.3d 1084, 1092-93,  
18 n.10 (9th Cir. 2007).  
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22 Accordingly, the United States' Motion is GRANTED. The IRS shall promptly  
23 turn over to the Clerk of this Court the \$13,825 seized cash, pursuant to payment  
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1 instructions issued by the Clerk of Court or United States Attorney's Office. The  
2 Clerk shall apply the funds to Mr. Kvashuk's judgment debt in this case.

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4 IT IS SO ORDERED.

5 Entered: 14 June, 2021

  
Hon. James L. Robart  
United States District Court

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8 Presented by:

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10 s/ Kyle A. Forsyth  
11 Kyle A. Forsyth, WSBA #34609  
12 Assistant United States Attorney  
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